

UNITED STATES DISTRICT COURT

for the
Southern District of OhioFILED
RICHARD W. NAGEL
CLERK OF COURT

3/4/21

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)MEDICAL RECORDS OF SEAN TORREY CHAPPELL, JR.
(DOB XX/XX/1992) MAINTAINED BY THE HEALTH
INFORMATION MANAGEMENT SERVICES, MIAMI VALLEY
HOSPITAL, ONE WYOMING STREET, DAYTON, OHIO 45409

Case No. 3:21MJ78

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 1951
18 U.S.C. § 924(c)

Offense Description
Hobbs Act
Use of a firearm during and in relation to a drug trafficking crime

The application is based on these facts:

SEE AFFIDAVIT IN SUPPORT

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

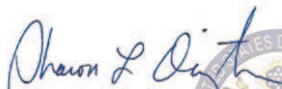
SA KENNETH R. PITNEY, ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
FaceTime (specify reliable electronic means).

Date: 3/4/21

City and state: DAYTON, OHIO




signature

U.S. MAGISTRATE JUDGE
ime and title

ATTACHMENT A

The property to be searched is described as follows:

- a. Health Information Management Services, Miami Valley Hospital, One Wyoming Street, Dayton, Ohio 45409

ATTACHMENT B

The following medical records that relate to a Sean Torrey CHAPPELL, Jr.'s (date of birth 12/4/1992 and social security number xxx-xx-4818), treatment occurring at Miami Valley Hospital on or about November 2, 2019:

- a. Any and all in-patient medical records concerning the treatment of Sean Torrey CHAPPELL, Jr.
- b. Any and all out-patient medical records concerning the treatment of Sean Torrey CHAPPELL, Jr.
- c. Any and all x-ray records concerning the treatment of Sean Torrey CHAPPELL, Jr.
- d. Any and all surgical records concerning the treatment of Sean Torrey CHAPPELL, Jr.
- e. Any and all diagnostic and laboratory records and related documents concerning the treatment of Sean Torrey CHAPPELL, Jr.; and
- f. Any and all bullets and/or bullet fragments removed from the body of Sean Torrey CHAPPELL, Jr.

AFFIDAVIT

Your Affiant, Kenneth R. Pitney, being duly sworn, states as follows:

I.

INTRODUCTION

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since July 2013. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the ATF National Academy's Special Agent Basic Training Program. As such, I have become familiar with firearms and federal firearm laws. During my career with ATF, I have participated in the execution of numerous federal search and/or arrest warrants related to the illicit possession, sale and theft of firearms and/or narcotics by armed subjects. I am also an ATF trained interstate nexus firearms examiner.

II.

PURPOSE OF AFFIDAVIT

2. This Affidavit is prepared in support of an application seeking a search warrant for certain medical records maintained by Health Information Management Services, Miami Valley Hospital, One Wyoming Street, Dayton, Ohio 45409 associated with the November 2, 2019 medical treatment of a Sean Torrey Chappell, Jr. date of birth 12/4/1992, social security number xxx-xx-4818. I make this affidavit based upon my personal knowledge and participation in an ongoing criminal investigation of a home invasion/shooting incident involving Mr. Chappell and others which occurred on said date. My involvement in subject case has included reviewing witness interviews and reports of investigation, engaging in discussions with other knowledgeable law enforcement agents.

3. The information outlined below does not consist of all the facts and details your Affiant is aware of associated with the subject investigation. The following facts are respectfully submitted to the Court for the limited purpose of establishing probable cause to justify the issuance of a search warrant for the said medical records maintained by Health Information Management Services, Miami Valley Hospital, which are believed to contain both relevant and material evidence to help establish that certain violations of Federal law occurred, to wit: 18 U.S.C. § 1951 and 18 U.S.C. § 924(c).

III.

SUMMARY OF PROBABLE CAUSE

4. At approximately 10:05 PM on or about November 2, 2019, Deputies from the Montgomery County Sheriff's Office (MCSO) were dispatched to 4286 Catalpa Drive, Apartment #3, Dayton, Ohio based upon a report of a purported home invasion wherein multiple persons had been shot. Upon arrival on scene, deputies found a Deonte Ballinger deceased from gunshot wounds. His body was found lying in the doorway of the said apartment. Mr. Ballinger's purported girlfriend, a person identified as Zynia Lott was also found at said location to have suffered a gunshot wound. MCSO detectives thereafter executed a state search warrant at the apartment. Evidence of suspected drug trafficking was located throughout the apartment along with a single .22 WMR bullet which was found lying on a living room coffee.

5. At approximately 11:30 PM on or about November 2, 2019, MCSO detectives responded to the Miami Valley Hospital located at One Wyoming Street, Dayton, Ohio due to a report of an individual presenting himself with fresh gunshot wound. Upon arriving at the hospital, deputies located a patient identified to be Sean Torrey CHAPPELL Jr. who was receiving treatment for gunshot wounds to his hand and leg. CHAPPELL advised detectives that he had been

walking to his sister's house when he heard approximately twenty (20) gun shots. At that moment he was reportedly struck by a bullet. A check of local police dispatch logs revealed no reports of any gun shots being fired during the timeframe or in the area previously described by CHAPPELL.

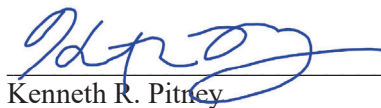
6. On or about November 18, 2019, Dayton Police Officers conducted a traffic stop of a vehicle determined to be being operated by CHAPPELL. A Carlos Antonio BROADUS was then observed to be occupying said vehicle's front passenger seat. While the arresting officer was in the process of writing CHAPPELL a traffic citation, CHAPPELL and BROADUS fled from the traffic stop location. Both were subsequently apprehended a short time later. A search of the said vehicle revealed the presence of a magazine for a Kel-Tec PMR30 semiautomatic pistol loaded with .22 WMR ammunition.

7. On or about August 19, 2020, your Affiant obtained a letter written by a Tony Eugene JACKSON, Jr. which described in detail CHAPPELL's purported involvement in the said home invasion and murder of Deonte Ballinger. On January 12, 2021, your Affiant conducted an in-person follow-up interview of JACKSON. During said interview, JACKSON indicated that CHAPPELL and BROADUS invited him to participate in the November 2, 2019 home invasion. JACKSON indicated that he declined. JACKSON further indicated that after the home invasion, CHAPPELL returned to his residence and recounted in detail what occurred during said home invasion. JACKSON further indicated that CHAPPELL admitted to him that he shot the victim of the home invasion and then stole his black, .22 WMR (referred to as a "22 magnum"), semiautomatic pistol, which was found lying on the living room coffee table. JACKSON further indicated that CHAPPELL told him that he used the same firearm to later shoot himself in order to provide a cover-up/alibi story. Your Affiant has subsequently and independently confirmed many of the factual details of the home invasion incident provided by JACKSON.

8. Based on my law enforcement training and experience, I believe that probable cause does exist to believe that relevant and material evidence associated with subject criminal investigation may be contained in the aforesaid medical records currently maintained by Health Information Management Services, Miami Valley Hospital, One Wyoming Street, Dayton, Ohio 45409 for Sean Torrey CHAPPELL, Jr. It is specifically believed that such records contain evidence that will help establish that certain violations of federal law to wit: 18 U.S.C. § 1951 and 18 U.S.C. § 924(c) were committed.

CONCLUSION

9. THEREFORE, I respectfully request the issuance of a search warrant for Sean Torrey CHAPPELL, Jr.'s November 2, 2019 Miami Valley Hospital medical treatment records more specifically described in Attachment B, which are currently maintained at the location set forth and described in Attachment A.



Kenneth R. Pitney
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed before me this 4th day of March
2021.


Sharon L. Ovington
United States Magistrate Judge
